

Message Text

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PAGE 01 OSLO 01347 061551 Z

47

ACTION L-03

INFO OCT-01 EUR-06 ADP-00 JUSE-00 SCA-01 RSR-01 RSC-01

/013 W

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R 060917 Z APR 73

FM AMEMBASSY OSLO

TO SECSTATE WASHDC 6505

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E. O. --652: N/ A

TAGS: PFOR, CPRS, NO

SUBJECT: EXTRADITION - CONSTANTINOS ANASTASIOU SYNGRASSIDES

REF: (A) OSLO 1269 (B) OSLO A-91

1. THE BASIS FOR THE PROSECUTOR' S APPEAL TO THE EIDSIVATING LAGMANNSTRETT (COURT OF APPEALS), DATED MARCH 29, 1973, IS EXPRESSED IN THE FOLLOWING TRANSLATED QUOTATION FROM THE APPEAL: " THE PROSECUTING AUTHORITY PRESUMES THAT THE MAGISTRATE IN REACHING THE ABOVE- MENTIONED CONCLUSION (TO DENY THE REQUEST FOR EXTRADITION) HAS IN THIS CASE NOT ONLY PLACED TOO HIGH REQUIREMENTS FOR THE EVIDENCE BUT HAS ALSO MISJUDGED THE EVIDENCE."

2. TO ILLUSTRATE THE FIRST POINT, THE PROSECUTOR POINTS OUT THAT JUDGE TVEITEN IN HIS DECISION (THIRD PARAGRAPH OF PAGE 7, REF B) STATES THAT ACCORDING TO ARTICLE I OF THE TREATY THE EVIDENCE MUST JUSTIFY SYNGRASSIDES' " COMMITMENT FOR TRIAL" ACCORDING TO NORWEGIAN LAW, AND THAT JUDGE TVEITEN CONCLUDES (WITH REFERENCE TO THE LEGISLATIVE HISTORY OF NORWAY' S 1908 EXTRADITION LAW) THAT " JUST CAUSE FOR SUSPICION" IS NOT ENOUGH FOR EXTRADITION. BASED ON THE ONLY EXISTING PRECEDENT FOR INTERPRETING THE TREATY WITH THE UNITED STATES (THE REQUEST IN 1960 FOR THE EXTRADITION OF KRISTIAN QVAM OHRE) THE PROSECUTOR ARGUES THAT " COMMITMENT FOR TRIAL" MAY TAKE PLACE WHEN THERE IS " JUST CAUSE FOR SUSPICION."

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3. TO ILLUSTRATE HIS SECOND POINT, MISJUDGING OF THE EVIDENCE, THE PROSECUTOR REFERS TO JUDGE TVEITEN' S STATEMENT (SECOND PARAGRAPH OF PAGE 7) THAT SYNGRASSIDES HAS NEITHER DIRECTLY NOR INDIRECTLY CREATED, STRENGTHENED, OR EXPLOITED DELUSION IN HIS DEALINGS WITH THE SHIPOWNERS, AND POINTS TO TESTIMONY OF JOSEPH GERARD MURRAY AND THOMAS JOHN STEVENSON AND OTHERS SUPPORTING THE CONTRARY. THE PROSECUTOR ALSO STATES THAT HE CANNOT AGREE WITH THE JUDGE' S STATEMENT IN THE SAME PARAGRAPH THAT THERE IS NO EVIDENCE THAT SYNGRASSIDES RECEIVED ANY FUNDS OTHER THAN BROKER' S FEES; THAT SYNGRASSIDES' EXPLANATION ABOUT HIS UNKNOWN PRINCIPLES CANNOT BE ACCEPTED; AND THAT THE COURT HAS TOO EASILY ACCEPTED THE STATEMENTS OF SYNGRASSIDES ABOUT SUBSIDIES FROM THE ANONYMOUS PRINCIPLES. HE ADDS THAT ONE CANNOT EXCLUDE THE POSSIBILITY THAT, IF SUBSIDIES WERE MADE, THE SOURCE MAY HAVE BEEN INSTITUTIONS OTHER THAN OIL COMPANIES.

4. THE EMBASSY HAS POINTED OUT TO AN OFFICER IN THE LEGAL DEPARTMENT OF THE MINISTRY OF FOREIGN AFFAIRS THAT THE DECISION INVOLVES INTERPRETATION BY NORWAY OF ARTICLE I OF THE TREATY, I. E. HOW MUCH EVIDENCE IS REQUIRED TO JUSTIFY " COMMITMENT FOR TRIAL", AND WILL ESTABLISH A PRECEDENT FOR FUTURE EXTRADITION REQUESTS. DURING THE CONVERSATION WE MENTIONED THE VIEW EXPRESSED IN STATE 53021, THAT " EXTRADITION OFFENSES ARE TO BE CONSTRUED LIBERALLY." THE EMBASSY HAS, HOWEVER, NO ASSURANCE THAT THE MINISTRY WILL BE GIVEN OR WILL SEEK AN OPPORTUNITY TO OFFER ITS ADVICE ON THE FOREIGN-RELATIONS ASPECT OF THIS CASE.

5. THE TEXT OF THE APPEAL IS BEING POUCHED. NO REPEAT NO TRANSLATION HAS BEEN MADE.

6. PLEASE AMEND POINT A IN PARA 1 OF OSLO 1269 TO READ " DO NOT CONSTITUTE CONSUMMATE FRAUD." CROWE

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*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 06 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: kelleyw0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973OSLO01347
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: OSLO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730435/aaahtfo.tel
Line Count: 101
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 OSLO 1269 (B) OSLO A-91
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 02 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <19-Sep-2001 by martinml, PRIVACY>; RELEASED <02-Oct-2001 by kelleyw0>; APPROVED <02-Oct-2001 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971203
Subject: EXTRADITION - CONSTANTINOS ANASTASIOU SYNGRASSIDES
TAGS: CPRS, PFOR, NO, CPRS
To: L
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005